

REMARKS

The Office Action of September 9, 2003 has been received and its contents carefully noted.

The present Amendment cancels claims 1-5 and 23. It also places objected-to claim 16 in independent form. In view of section 6 of the Office Action, it is respectfully submitted that claim 16 is now in condition for allowance. Additionally, the present Amendment revises claims 15, 17, and 18 to depend from claim 16, so they are allowable along with claim 16.

The present Amendment also revises independent claims 12 and 13 to recite that the select signal is "an electrical" signal. Support for this revision will be apparent from Figures 1 and 3 of the application's drawings.

Finally, the present Amendment adds new dependent claims 24-29 to further protect the invention. Claims 24 and 27 provide that the number of modulated pulse trains is two, one of which is blocked by the transmitting/blocking section and the other of which is transmitted. Claims 25 and 28 are directed to the embodiment shown in Figure 1 of the application's drawings, and recite that "the detection section receives an electrical signal that is generated by the transmitting/blocking section from energy absorbed from the blocked pulse train." This is supported (for example) by the passage at page 11 of the application, lines 2-25. Claims 26 and 29 are directed to the embodiment shown in Figure 3, and recite that "the detection section receives an optical signal diverted from the pulse train that is passed to the output port of the transmitting/blocking section." This is supported (for example) by the passage at age 16, lines 17-23.

The Office Action rejects independent claims 12 and 13 on the basis of the acknowledged prior art shown in Figure 5 of the application's drawings in view of US patent 5,870,213 to Ishikawa et al (hereafter simply "Ishikawa"). For the reasons discussed below, however, it is respectfully submitted that claims 12 and 13 are patentable over the

knowledge prior art and Ishikawa.

The present application is directed to demultiplexing of an optical pulse train that includes a first modulated pulse train and a second modulated pulse train that has been attenuated. The application discloses that the reduction in the average power level of the second pulse train can then be used to distinguish between the first and second pulse trains, and that an electrical signal can be used to designate which of the pulse trains is to be transmitted from the demultiplexer.

In contrast, an ordinarily skilled person would interpret the Ishikawa reference as including an attenuated pulse train in a multiplexed signal for the primary purpose of regenerating a clock signal. This is a fundamental difference in the reason why an attenuated pulse train is included in the multiplexed signal, so it should come as no surprise that the language of claims 12 and 13 cannot be stretched far enough to cover what is disclosed in the Ishikawa reference. The Office Action has made an attempt to do so, but that attempt is ultimately unsuccessful. There are several reasons why.

The Office Action, at lines 2 and 3 on page 5, takes position that the "control signal" of claims 12 and 13 is emitted by the phase shifter 439 in Ishikawa's Figure 97. The drawing shows that the signal emitted by Ishikawa's phase shifter 439 is supplied to Ishikawa's optical switch 434. However, at lines 11 and 12 on page 5, the Office Action characterizes the signal received by Ishikawa's optical switch 434 as the "judgment signal" of claims 12 and 13. It is not proper to interpret one signal in Ishikawa's arrangement as both the "control signal" in the "judgment signal" of the rejected claims.

At line 1 on page 5, the Office Action characterizes Ishikawa's optical switch 434 as the "transmitting/blocking section" of claims 12 and 13, and on line 10 of the same page, the Office Action characterizes Ishikawa's phase shifter 439 as the "judgment section." Nevertheless, at line 12 on page 5, the Office Action takes a position that the "control section" of the rejected claims comprises Ishikawa's phase shifter 439 and his optical switch 434. The trouble here is that Ishikawa's phase shifter 439 and his optical

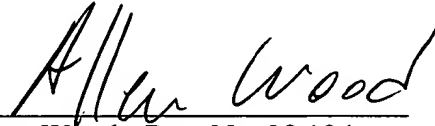
switch 434 have already been "used up" by the "transmitting/blocking section" and the "judgment section" of the rejected claims. That is, if Ishikawa's elements 434 and 439 are interpreted as the "transmitting/blocking section" and the "judgment section" of claims 12 and 13, they cannot also be legitimately interpreted as the "control section."

Before the present Amendment, claims 12 and 13 recite "a control section which generates the control signal for the transmitting/blocking section on the basis of at least the judgment signal and a select signal that designates one of the modulated pulse trains." At lines 14 and 15 on page 5, the Office Action dismisses the "select signal" of the rejected claims on the ground that selection of one of the modulated signals is an implicit function of Ishikawa's optical switch 434. However, claims 12 and 13 have been amended to recite an "electrical" select signal, and regardless of the implicit function of Ishikawa's optical switch 434, it clearly does not receive the "electrical select signal" that is now recited in the rejected claims (it being noted that, according to the interpretation in the Office Action, Ishikawa's element 434 already receives the "control signal" and the "judgment signal").

It is well-settled that claim language should be construed as broadly as is reasonably possible during prosecution. For the reasons discussed above, though, it is respectfully submitted that the interpretation advanced in the Office Action stretches the claim language impermissibly far. Accordingly, it is respectfully submitted that claims 12 and 13 are patentable over the acknowledged prior art and Ishikawa. Since claims 14 and 20-22 depend from claim 13 and recite additional limitations to further define the invention, they are patentable long with claim 13 had made not be further discussed.

For the foregoing reasons, it is respectfully submitted that the application is now in condition for allowance. Reconsideration of the application is therefore respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script that reads "Allen Wood". The signature is written in dark ink and is positioned above a horizontal line.

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